

## Message Text

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SUBJ: MARITIME PREMIERS COMMENT ON PATRIATION OF BNA ACT

1. FOLLOWING STATEMENTS DURING THE WEEKEND OF MARCH 6-7, 1976 BY PRIME MINISTER TRUDEAU ABOUT THE NEED FOR PATRIATION OF THE BRITISH NORTH AMERICA ACT, BY UNILATERAL ACTION OF THE FEDERAL GOVERNMENT ON ITS OWN, IF NECESSARY, ALL THREE MARITIME PREMIERS HAVE COMMENTED ON THE SUBJECT.

2. IMMEDIATELY FOLLOWING THE PRIME MINISTER S STATEMENTS, PREMIER GERALD REGAN (LIBERAL) OF NOVA SCOTIA ON MARCH 8 SAID THAT IT IS NOT A HIGH PRIORITY ISSUE. HE SAID THAT HE HAD MET WITH FEDERAL OFFICIALS LAST FALL IN AN ATTEMPT TO FIND AN AMENDING FORMULA TO THE BNA ACT AND WAS PREPARED TO MEET AGAIN AT THE CONVENIENCE OF OTTAWA. HE SAID THE CONSTITUTION SHOULD NOT BE SO EASY TO CHANGE THAT IT COULD BE DONE ON AN ALMOST DAY-TO-DAY BASIS, NOR SHOULD THE DOCUMENT BE SO RIGID THAT IT WOULD BECOME A STRAIGHT-JACKET UNABLE TO MEET CHANGING NEEDS. IN THE NOVA SCOTIA LEGISLATIVE ASSEMBLY ON MARCH 11 THE PREMIER SAID IT WOULD BE REGRETTABLE TO PATRIATE THE BNA ACT WITHOUT UNANIMITY BETWEEN THE PROVINCES AND OTTAWA. IN RESPONSE TO A QUESTION FROM A PROGRESSIVE CONSERVATIVE

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MEMBER, THE PREMIER SAID HE WOULD PREFER TO SEE THE CONS-

TITUTION STAY AS IT IS RATHER THAN HAVING IT BROUGHT TO CANADA IN CONDITIONS MAKING IT VIRTUALLY IMPOSSIBLE TO AMEND.

3. PREMIER RICHARD HATFIELD (PROGRESSIVE CONSERVATIVE) OF NEW BRUNSWICK ON MARCH 8 ISSUED A STATEMENT ON THE SUBJECT IN WHICH HE SAID THAT ANY MOVE BY THE FEDERAL GOVERNMENT TO USE ITS MAJORITY IN PARLIAMENT TO BRING TO CANADA THE POWER TO ALTER CANADA'S CONSTITUTION, THE BNA ACT, WITHOUT HAVING OBTAINED THE AGREEMENT OF THE PROVINCES WOULD, "ULTIMATELY LEAD TO THE DESTRUCTION OF CANADIAN FEDERALISM ITSELF". HE SAID THAT SUCH A MOVE WOULD BE CONTRARY TO THE ORIGINS AND SPIRIT OF OUR CONFEDERATION AND "WOULD CREATE COMPLETELY UNNECESSARY CONTROVERSY AND DIVISION IN OUR COUNTRY AT THIS TIME". HE SAID THAT NEW BRUNSWICK "HAS WORKED AS HARD AS ANY PROVINCE TO NEGOTIATE AN ACCEPTABLE AMENDING FORMULA AND WE HAVE BEEN PREPARED TO RESUME DISCUSSIONS WITH THE OTHER PROVINCES AND THE FEDERAL GOVERNMENT AT ANY TIME. BUT PATRIATION OF THE CONSTITUTION CAN ONLY BE ACCOMPLISHED ON THE BASIS OF AN AMENDING FORMULA AGREED UPON BY OTTAWA AND THE PROVINCES. THE BNA ACT OF 1867 WAS THE PRODUCT OF DEBATE, CONSULTATION, NEGOTIATION AND FINALLY AGREEMENT BY THE ORIGINAL PARTNERS IN CONFEDERATION. ONLY BY THE SAME PROCESS, LEADING TO AGREEMENT OF THE PRESENT PARTNERS AND THE FEDERAL PARLIAMENT SHOULD THE CONSTITUTION BE FUNDAMENTALLY ALTERED'. THE PREMIER SAID THAT HE COULD NOT OVERLOOK THE POLITICALLY PARTISAN CONTEXT IN WHICH MR TRUDEAU THREATENED OUR COUNTRY WITH UNILATERAL ACTION ON THE BNA ACT . . . I HOPE AND BELIEVE THAT CONCERNED CANADIANS WILL APPRECIATE THE DISTURBING IMPLICATIONS OF THE ACTION PROPOSED BY THE PRIME MINISTER ". THE PATRIATION OF THE CONSTITUTION "MUST BE DONE IN THE RIGHT WAY AND WITH RESPECT FOR THE CONCEPT OF OUR CONFEDERATION. THE WAY PROPOSED BY PRIME MINISTER TRUDEAU IS WHOLLY WRONG.

4. ON MARCH 10 PREMIER ALEX CAMPBELL (LIBERAL) OF PRINCE EDWARD ISLAND TOLD HIS LEGISLATURE THAT THE UNCLASSIFIED

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PRINCE EDWARD ISLAND GOVERNMENT WILL SUPPORT ANY EFFORT TO PATRIATE THE BRITISH NORTH AMERICA ACT. HE SAID, "I DON'T WANT A UNILATERAL POSITION BY THE PRIME MINISTER AND AS A PROVINCIAL PREMIER I WOULD THINK THE ATTITUDE WOULD BE A HEALTHIER ONE IF THE CONSTITUTION WAS BROUGHT HOME WITH THE AGREEMENT OF THE PROVINCES AND THE FEDERAL GOVERNMENT". HE CAUTIONED THAT IF SOME PROVINCES (READ QUEBEC) CONTINUE TO USE THE PATRIATION

OF THE CONSTITUTION AS A TOOL FOR INTRODUCING OTHER ISSUES AND AS A BARGAINING TOOL THEY ARE RISKING UNILATERAL FEDERAL ACTION. HE RECALLED THAT "IN 1971 AT THE VICTORIA CONSTITUTIONAL CONFERENCE, SOME PROVINCES BARGAINED FOR CONCESSIONS TO BRING THE CONSTITUTION HOME AND THAT APPEARS TO BE HAPPENING AGAIN".

5. COMMENT: PREDICTABLY THE TWO LIBERAL MARITIME PREMIERS ARE LESS VIGOROUS IN THEIR COMMENTS ABOUT PRIME MINISTER TRUDEAU'S LATEST ATTEMPTS TO PATRIATE THE CONSTITUTION, BUT AT THE SAME TIME FEEL OBLIGED TO FIND A ROLE FOR THE PROVINCES IN ANY SUCH ACTION. MR HATFIELD AS A CONSERVATIVE GOES MORE TO THE HEART OF THE MATTER BY ALLUDING TO THE FACT THAT IT WAS THE PROVINCES THEMSELVES THAT GAVE BIRTH TO THE PRESENT FORM OF THE FEDERAL GOVERNMENT WHEN THEY ORIGINALLY AGREED TO THE BNA ACT. HE ALSO SEEMS TO THINK THAT THE PRIME MINISTER'S ACTION MAY BE POLITICALLY MOTIVATED.  
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